

Passed Bills Relating to Political Subdivisions

2013 General Session

H.B. 14 Requirements to Change Form of County Government (Rep. K. Grover)

This bill amends the signature requirements for a petition to change the form of a county government.

This bill:

- ▶ requires that a petition to change the form of a county government be signed by registered voters residing in the county equal in number to at least 10% of the total number of votes cast in the county at the most recent election for president of the United States; and
- ▶ makes technical corrections.

H.B. 66 Political Subdivision Amendments (Rep. R. C. Webb)

This bill amends provisions related to an assessment area, a local district, and a special service district.

This bill:

- ▶ amends notice requirements for an assessment area;
- ▶ specifies a deadline for filing a protest to an assessment area;
- ▶ requires a governing body to consider a timely filed protest at a public meeting;
- ▶ authorizes a local entity that is a municipality or county to collect an assessment fee in the same manner as a property tax;
- ▶ amends the definition of "adequate protests" for a local district;
- ▶ amends notice requirements for a local district;
- ▶ amends the definition of "adequate protests" for a special service district;
- ▶ amends notice requirements for a special service district;
- ▶ amends the filing deadline for a protest to a special service district; and
- ▶ makes technical and clarifying changes.

H.B. 88 Land Use Amendments (Rep. M. Brown)

This bill modifies provisions governing land use.

This bill:

- ▶ requires a municipality or county to give notice to an owner of private real property if the property is located within an area located in a proposed zoning map or map amendment;
- ▶ permits an owner of private real property located within a proposed zoning map or map amendment to file a written objection to the zoning map or map amendment;
- ▶ requires the planning commission to consider the written objections and forward them to the legislative body; and
- ▶ makes technical and conforming amendments.

H.B. 99 Submitting Governmental Reports (Rep. P. Arent)

This bill revises requirements relating to the submission of governmental reports.

This bill:

- ▶ repeals and reenacts a provision dealing with the manner of submitting governmental reports;
- ▶ requires a governmental entity submitting a report to the Legislature or a legislative committee to:

- submit the report electronically;
- provide a printed copy of the report, but only as requested; and
- provide the report electronically to others;
- ▶ specifies the method of submitting required reports to the state auditor;
- ▶ provides that those requirements supersede other statutory provisions specifying the manner of submitting reports; and
- ▶ modifies the manner of submitting reports to the governor.

H.B. 111 Eminent Domain Amendments (Rep. L. Perry)

This bill enacts language related to an entity's power of eminent domain.

This bill:

- ▶ enacts provisions that require the Office of the Property Rights Ombudsman to provide certain information on its website;
- ▶ amends provisions related to the proposes for which eminent domain may be used;
- ▶ enacts provisions that require a political subdivision, or a person who seeks to acquire property by eminent domain, to provide a property owner with certain information from the Office of the Property Rights Ombudsman; and
- ▶ makes technical corrections.

H.B. 113 County Governing Body Authority (Rep. S. Handy)

This bill enacts provisions authorizing a county governing body to represent the county and consult with the federal government in certain federal land development and regulation actions.

This bill:

- ▶ defines terms;
- ▶ authorizes a county governing body to represent the county as a cooperating agency for certain federal land development and management actions;
- ▶ designates the governing body as a body that has special expertise for certain federal land development and management actions; and
- ▶ authorizes a county to participate in certain coordinating efforts with a federal agency.

H.B. 130 Boundary Adjustment Amendments (Rep. M. Brown)

This bill enacts provisions related to the adjustment of a property boundary.

This bill:

- ▶ defines terms;
- ▶ prescribes the method by which a property owner may:
 - execute a parcel boundary adjustment; and
 - execute a boundary line agreement; and
- ▶ makes technical corrections.

H.B. 164 State and Political Subdivision Jurisdictional Amendments (Rep. M. Roberts)

This bill modifies Title 11, Cities, Counties, and Local Taxing Units, by creating the "Local Jurisdiction Related to Federally Managed Land Act."

This bill:

- ▶ defines terms; and
- ▶ describes the jurisdictional authority that may be exercised by a chief executive officer of a municipality or county, or a county sheriff, in response to action taken, or action not being

taken, by the United States Bureau of Land Management (BLM) or the United States Forest Service (Forest Service) on federally managed land in the state that adversely affects or constitutes an imminent threat to the health, safety, or welfare of the people of the municipality or county, which includes:

- providing written notice to the BLM or Forest Service; and
- taking action to mitigate the risk to the health, safety, or welfare of the people of the municipality, if, after receiving notice, the BLM or Forest Service does not mitigate the risk to the health, safety, or welfare of the people of the municipality or county.

H.B. 175 Local Political Subdivision Bonding Notice Requirements (Rep. J. Knotwell)

This bill amends requirements relating to a local political subdivision providing notice relating to the issuance of bonds.

This bill:

- ▶ requires additional information in a notice of bonds to be issued; and
- ▶ requires that, when a local political subdivision provides notice of the local political subdivision's intent to issue bonds, the notice shall include a copy of:
 - the resolution or other proceeding that provides for the issuance of bonds; or
 - a notice of bonds to be issued.

H.B. 192 County Clerk Misconduct Penalty (Rep. D. Layton)

This bill changes the penalty for the issuance of a license for a prohibited marriage.

This bill:

- ▶ makes it a class A misdemeanor for a county clerk to knowingly issue a license for a prohibited marriage.

H.B. 205 Contingency Plans for Political Subdivisions (Rep. K. Ivory)

This bill enacts provisions relating to political subdivisions' contingency plans in the event of a reduction of federal funds.

This bill:

- ▶ requires a political subdivision that receives federal funds comprising 10% or more of the political subdivision's annual budget to develop and publish a contingency plan describing how the political subdivision will operate in the event that the federal funds it receives are reduced.

H.B. 224 Impact Fees Amendments (Rep. D. McCay)

This bill amends provisions related to an impact fee.

This bill:

- ▶ defines terms;
- ▶ amends provisions governing certain entities that are required to comply with an impact fee facilities plan;
- ▶ amends provisions related to required information in an impact fee facilities plan;
- ▶ authorizes a private entity to establish an administrative appeals procedure to consider and decide a challenge to an impact fee;
- ▶ amends provisions governing a request for an advisory opinion on an impact fee; and
- ▶ makes technical corrections.

H.B. 236 Land Development Revisions (Rep. M. Brown)

This bill amends provisions related to a county's regulation of land use and development.
This bill:

- ▶ defines terms;
- ▶ prohibits a county from adopting a land use ordinance that, in certain circumstances, requires a property owner to revegetate or landscape;
- ▶ enacts provisions governing the application of a site plan; and
- ▶ makes technical corrections.

H.B. 278 Public School Seismic Studies (Rep. G. Froerer)

This bill imposes requirements on a school district regarding seismic safety evaluations of school buildings.

This bill:

- ▶ defines terms;
- ▶ requires a school district to conduct or update a seismic safety evaluation of a school district building constructed before 1975 if the school district issues certain general obligation bonds on or after July 1, 2013;
- ▶ provides that a school district is not required to conduct or update a seismic safety evaluation of a building constructed before 1975 if a seismic safety evaluation was performed on the building within the 25-year period before the school district issues certain general obligation bonds; and
- ▶ provides that the creation of a seismic safety evaluation of a school, or a list of schools needing seismic upgrades, shall not be construed as expanding or changing the state's or a school district's common law duty of care for liability purposes.

H.B. 279 Administrative Hearings by Counties (Rep. S. Cox)

This bill enacts language authorizing a county to adopt an ordinance establishing an administrative hearing process.

This bill:

- ▶ authorizes a county to adopt an ordinance establishing an administrative hearing process.

H.B. 280 County Government Reform (Rep. M. Brown)

This bill modifies county government provisions.

This bill:

- ▶ authorizes voters to petition for and then vote on a repeal of a previously adopted optional plan to return the county's form of government to the form the county operated under before the optional plan was adopted; and
- ▶ makes technical and conforming amendments.

H.B. 289 Fireworks Amendments (Rep. J. Dunnigan)

This bill modifies the State Fire Code and Public Safety Code regarding the sale and discharge of fireworks regarding the conditions and process for a municipality or county to prohibit the discharge of fireworks.

This bill:

- ▶ provides that the legislative body of a municipality may prohibit the discharge of fireworks in specified areas if the local fire code official determines that hazardous environmental conditions exist;

- ▶ provides that a county or municipality may not prohibit the lawful discharge of class C common state approved explosives, except as provided; and
- ▶ clarifies that Utah Code Section 53-7-225 supercedes any other code provision regarding the sale and discharge of fireworks.

H.B. 334 Special Service District Reorganization (Rep. D. McCay)

This bill enacts provisions authorizing the reorganization of a special service district as a local district.

This bill:

- ▶ amends provisions authorizing a county to establish a district;
- ▶ authorizes the legislative body of a county or municipality that created a special service district to adopt a resolution to reorganize the special service district as a local district;
- ▶ enacts provisions related to the reorganization of a special service district upon issuance of a certification of incorporation for the new local district by the lieutenant governor;
- ▶ enacts provisions governing the reorganization of a special service district as a local district; and
- ▶ makes technical corrections.

H.B. 348 Local District Amendments (Rep. D. Ipson)

This bill amends provisions governing the automatic withdrawal of an area from certain local districts.

This bill:

- ▶ requires the legislative body of a newly incorporated municipality to adopt a resolution no later than 180 days after the effective date of incorporation to approve the withdrawal of an area from certain local districts.

H.B. 352 County Government Amendments (Rep. D. Brown)

This bill authorizes a county or county official to encourage support for certain beneficial organizations or activities.

This bill:

- ▶ authorizes a county or county official to encourage support for certain beneficial organizations or activities; and
- ▶ makes clarifying amendments.

H.B. 403 Municipal Election Amendments (Rep. R. C. Webb)

This bill modifies provisions related to a municipal election.

This bill:

- ▶ changes the deadline for a person to file a declaration of candidacy in an election from June 15 of any odd-numbered year to June 7 of any odd-numbered year;
- ▶ changes the deadline for the local district clerk to certify the names of local district board candidates from July 20 of the municipal election year to June 12 of the municipal election year;
- ▶ changes the deadline for qualifying as a municipal political party from at least 55 days before the date of the municipal primary election to May 31 of any odd-numbered year;
- ▶ changes the deadline for filing a declaration of candidacy to become a valid write-in candidate from 45 days before a municipal general election to 60 days before a municipal general election; and

- ▶ makes technical changes.

H.J.R. 15 Joint Resolution on State and Political Subdivisions Jurisdiction (Rep. M. Roberts)

This joint resolution of the Legislature declares and asserts the jurisdictional right of the state of Utah and its political subdivisions to respond to and take action when conditions on federally managed land in the state adversely affect, or may adversely affect, the health, safety, or welfare of the people.

This resolution:

- ▶ declares and asserts the jurisdictional right of the state of Utah and its political subdivisions to respond to and take action when conditions on federally managed land in the state adversely affect, or may adversely affect, the health, safety, or welfare of the people without the intrusion and interference of the federal government on its efforts to respond to the needs of its citizens; and
- ▶ urges other states to declare and assert their rights, and the rights of their political subdivisions, to respond to and take action when conditions on federally managed land in the state adversely affect, or may adversely affect, the health, safety, or welfare of the people without the intrusion and interference of the federal government on the states' efforts to respond to the needs of their citizens.

S.B. 12 Public Transit District Customer Information (Sen. K. Van Tassell)

This bill modifies the Public Transit District Act and the Government Records Access and Management Act by amending provisions relating to public transit district customer information.

This bill:

- ▶ classifies certain public transit district customer account information and travel data received or collected as a private record under the Government Records Access and Management Act; and
- ▶ makes technical changes.

S.B. 77 Availability of Government Information (Sen. D. Henderson)

This bill modifies provisions relating to the availability of government information.

This bill:

- ▶ requires certain public bodies to post minutes and audio recordings of meetings on the Utah Public Notice Website;
- ▶ modifies provisions regarding the manner and time of making minutes public;
- ▶ modifies a provision relating to the Utah Public Notice Website to make conforming changes; and
- ▶ makes technical changes.

S.B. 93 Interlocal Cooperation Act Amendments (Sen. J. Valentine)

This bill amends provisions of the Interlocal Cooperation Act related to a taxed interlocal entity.

This bill:

- ▶ defines terms;
- ▶ provides that a use of an asset by a taxed interlocal entity does not constitute the use of a public asset;
- ▶ provides that an official of a project entity is not a public treasurer;

- ▶ authorizes a taxed interlocal entity's governing body to determine the use of an asset; and
- ▶ exempts a taxed interlocal entity from certain provisions.

S.B. 140 Service Area Board of Trustees (Sen. T. Weiler)

This bill enacts language related to the creation of and membership of the board of trustees of certain types of local districts.

This bill:

- ▶ amends language related to a resolution proposing the creation of a local district;
- ▶ amends language related to the creation of certain types of local districts exempt from an election requirement;
- ▶ enacts language related to the board of trustees for certain service areas created on or after May 14, 2013; and
- ▶ makes technical corrections.

S.B. 145 County Attorney Chapter Recodification (Sen. T. Weiler)

This bill enacts Powers and Duties of County and District Attorney.

This bill:

- ▶ repeals Title 17, Chapter 18, County Attorney, and replaces it with Title 17, Chapter 18a, Powers and Duties of County and District Attorney, including:
 - enacting general provisions;
 - enacting provisions related to the duties of a county and district attorney;
 - enacting provisions regulating qualifications and term of office;
 - enacting provisions related to the duties of a public prosecutor;
 - enacting provisions related to the duties of civil counsel;
 - enacting provisions related to general duties and prohibited acts;
 - enacting provisions related to a prosecution district; and
 - enacting provisions related to ethical responsibilities; and
- ▶ makes technical and conforming amendments.

S.B. 148 Conservation Districts - Closed Meetings Amendments (Sen. D. Hinkins)

This bill enacts language authorizing a closed meeting for certain conservation district projects.

This bill:

- ▶ enacts language authorizing a closed meeting for certain conservation district projects; and
- ▶ makes technical corrections.

S.B. 153 Local Government Development Amendments (Sen. J. S. Adams)

This bill amends provisions related to municipal and county regulation of land use and development.

This bill:

- ▶ modifies definitions;
- ▶ amends a land use authority's authority to impose an exaction for another governmental entity;
- ▶ enacts language limiting a municipality's or county's regulation of a residential facility for persons with a disability;
- ▶ enacts provisions relating to a land use authority's acceptance of landscaping and infrastructure improvements;

- requires a local district to comply with municipal or county land use and development requirements in certain circumstances; and
- makes technical corrections.

S.B. 158 Municipal General Fund Amendments (Sen. D. Henderson)

This bill amends the percentage of excess fund balance that a municipality may keep in its general fund.

This bill:

- amends the percentage of excess fund balance that a municipality may keep in its general fund from 18% to 25%.

S.B. 172 Use of Bond Proceeds by Political Subdivisions (Sen. J. Valentine)

This bill modifies a provision relating to the use of bond proceeds by political subdivisions.

This bill:

- prohibits political subdivisions from using bond proceeds for specified purposes beyond a limited time period.

S.B. 179 Local Government Financial Reporting Revisions (Sen. C. Bramble)

This bill modifies provisions relating to local government financial reports.

This bill:

- modifies the monetary threshold for a requirement for a local government to cause an audit to be made; and
- modifies reporting requirements applicable to local governments whose revenues and expenditures are below the threshold.

S.B. 180 Public Utilities Amendments (Sen. K. Van Tassell)

This bill enacts language related to the service territory of an electrical corporation and municipality.

This bill:

- defines terms;
- prohibits a municipality from providing electric service to a customer in an annexed area with certain exceptions;
- enacts procedures for transferring an electric facility;
- enacts language related to the reimbursement for the transfer of an electric facility;
- requires a party that cannot agree on the transfer of an electric facility to submit the dispute for mediation or arbitration;
- authorizes a municipality to provide retail electric service to a customer beyond its municipal boundary on or before June 15, 2013, if the municipality enters into a written filing agreement with an electrical corporation and the agreement is approved by the Public Service Commission (commission);
- allows a municipality to submit a request to an electrical corporation to provide service to a customer located outside the municipal boundary if a customer requests the service;
- in certain circumstances, prohibits an electrical corporation from providing electric service to a customer located within a municipal boundary unless the electrical corporation enters into a written agreement with the municipality and the agreement is approved by the commission;
- authorizes an electrical corporation to provide, on or before June 15, 2013, electric service

to a customer within the municipal boundary of a municipality that provides electric service if the electrical corporation enters into an agreement with the municipality and the agreement is approved by the commission;

- ▶ authorizes the commission to review certain agreements between an electrical corporation and a municipality; and
- ▶ makes technical and conforming amendments.

S.B. 200 *Local and Special Service Districts Amendments* (Sen. J. Stevenson)

This bill amends provisions related to a local district and a special service district.

This bill:

- ▶ amends procurement provisions governing a political subdivision;
- ▶ enacts provisions prohibiting the creation of a local district in certain circumstances;
- ▶ enacts provisions that require the dissolution of a local district in certain circumstances;
- ▶ amends provisions that govern the terms of office of a local district board of trustees;
- ▶ permits a member of the board of trustees to continue to serve until a successor is elected or appointed;
- ▶ amends provisions related to the election of a local district board member;
- ▶ amends provisions related to compensation paid to a member of the board of trustees;
- ▶ prohibits a board of trustees from adopting certain bylaws or rules in certain circumstances;
- ▶ amends provisions governing employment of a member of the board of trustees by a local district;
- ▶ amends provisions related to a local district audit;
- ▶ authorizes a special service district to provide cemetery services;
- ▶ amends provisions related to filling a midterm vacancy on a local district board;
- ▶ enacts language related to background checks of certain public transit district employees; and
- ▶ makes technical and conforming amendments.

S.B. 211 *Redevelopment Agency Amendments* (Sen. J. Stevenson)

This bill amends provisions related to a community development and renewal agency.

This bill:

- ▶ authorizes a taxing entity committee to approve exceptions to the requirement that a project area budget include a maximum cumulative amount of tax increment;
- ▶ amends tax increment provisions applicable to a pre-July 1, 1993, project area plan;
- ▶ enacts language prohibiting certain entities from recovering increased taxes paid to an agency in certain circumstances;
- ▶ requires that certain urban renewal project budgets specify the maximum cumulative dollar amount of tax increment that the agency may receive;
- ▶ requires that certain economic development project budgets specify the maximum cumulative dollar amount of tax increment that the agency may receive; and
- ▶ makes technical corrections.

S.B. 221 *Assessment Area Act Amendments* (Sen. K. Van Tassell)

This bill enacts provisions related to an assessment for an energy efficiency upgrade or a renewable energy system.

This bill:

- ▶ authorizes an interlocal entity to issue a bond for an energy efficiency upgrade or a

- renewable energy system;
- ▶ defines terms;
- ▶ requires that an assessment area for an energy efficiency upgrade or a renewable energy system be a voluntary assessment area;
- ▶ exempts an energy efficiency upgrade or a renewable energy system voluntary assessment area from certain contract bid requirements;
- ▶ amends provisions governing assessment levy limits and costs;
- ▶ authorizes a local entity to levy an assessment against property owned by the federal government or a public agency in certain circumstances;
- ▶ amends provisions authorizing installment payments for an assessment;
- ▶ authorizes a county to provide or finance an energy efficiency upgrade or a renewable energy system;
- ▶ authorizes a local district to provide an energy efficiency upgrade or a renewable energy system;
- ▶ authorizes a special service district to provide an energy efficiency upgrade or a renewable energy system;
- ▶ authorizes a military installation development authority to provide an energy efficiency upgrade or a renewable energy system; and
- ▶ makes technical corrections.

S.B. 229 Appellate Bond for State Entities (Sen. C. Bramble)

This bill requires that municipalities post a bond on appeal of a judgment over \$5,000,000.

This bill:

- ▶ requires that municipalities post a bond on appeal of a judgment over \$5,000,000.

S.B. 276 Water Conservancy District Capital Assets (Sen. J. Valentine)

This bill requires certain water conservancy districts to adopt a policy for and prepare certain reports on the district's qualified capital assets.

This bill:

- ▶ defines terms;
- ▶ requires a qualified water conservancy district to adopt a policy for the assessment, maintenance, and replacement of qualified capital assets;
- ▶ requires certain provisions and requirements to be adopted in the policy, including:
 - assessment methods;
 - performance and condition standards; and
 - financial guidelines;
- ▶ requires a qualified water conservancy district to adopt a multiyear qualified capital asset plan; and
- ▶ requires a qualified water conservancy district to submit a report of the district's qualified capital asset facilities to the director of the Division of Water Resources.